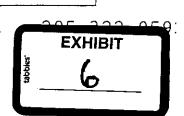
```
IN THE UNITED STATES DISTRICT COURT
1
          WESTERN DISTRICT OF OKLAHOMA
2
  CLARK A. WARD
3
   individually, and
  CAW IMAGING, P.C.,
4
   an Oklahoma professional
                                CASE NO.
  corporation,
5
             Plaintiffs, ) CIV-03-1564-F
6
7
   VS.
  HEALTHSOUTH CORPORATION, ) DEPOSITION OF:
 8
   a Delaware Corporation;
   DIAGNOSTIC HEALTH ) ROSA HOOPER
   CORPORATION, a Delaware
  Corporation; RICHARD. M. )
10
   SCRUSHY, an individual,
11
            Defendants.
12
            STIPULATIONS
13
         IT IS STIPULATED AND AGREED, by and
14
   between the parties through their
15
   respective counsel, that the deposition
16
17
   of:
             ROSA HANDLEY HOOPER,
18
   may be taken before Carrie M. Robinson,
19
   Commissioner and Notary Public, State at
20
   Large, at the Law Offices of Balch &
21
   Bingham, on the 5th day of April, 2005,
22
   commencing at approximately 9:00 a.m. RIGINA
23
```



```
the projections that new MRI and new CT
1
   would be purchased, true?
             Yes.
   Α
             And the increase in the volume
4
   was dependent upon the purchase of that new
5
   equipment, was it not?
             That would be correct.
7
   Α
             All right. And let me ask you
8
   this: Are you familiar with -- and these
 9
   projections that we talked about, is it
10
11
   your understanding that those were
   communicated to Dr. Ward?
12
             It is not my understanding.
13
   Α
   That would not be typical that we could
14
15
   communicate our internal pro formas to the
16
   seller.
17
             All right. Well, no question in
   your mind that the discussion of new
18
   equipment was discussed with Dr. Ward,
19
20
   right?
21
              Yes.
   А
             And no question but that his
22
   0
```

BAIN & ASSOCIATES COURT REPORTING SERVICES, INC. 205-322-059:

compensation was based on collections which

23

```
in turn were based on volume, correct?
1
             Correct.
2
   Α
             And no question that the
3
   purchase of new equipment would have an
4
   effect on the volume or would hopefully
5
   have a positive effect on the volume of
6
   scans being performed, correct?
7
 8
             Correct.
              Isn't that the type of thing
 9
   that Ms. Pate discussed with Dr. Ward?
10
11
              That would certainly be the type
   of thing that she discussed, but it was not
12
13
   our practice to share our internal pro
   forma income statements for future periods
14
   when it would be HealthSouth's facility.
15
   We would not share that with the seller.
16
   We would talk -- we would discuss -- it
17
18
   would be our practice to discuss with them
19
   the intentions as far as equipment and that
   type of thing, but not to share our
20
   actual -- that's an internal file.
21
              Okay. Do you know, in fact,
22
   0
   whether Lecia Pate gave Dr. Ward the
23
```

```
record, please?
1
             It is a letter from Lecia Pate
2
   Α
   to Dr. Tom Woolard. There is no date.
3
             Okay. Do you understand that
4
   Dr. Woolard was one of the owners of MICO?
5
             Yes, I do.
 6
   Α
             And that letter in a nutshell
7
   contains the -- one of the proposals for
 8
 9
   the purchase of MICO, does it not?
             Yes. It discusses options with
10
11
   the acquisition.
            Okay. And in that letter, is
12
   the subject of acquiring a new MRI
13
14
   discussed?
        Yes, it is.
15
   Α
             And what does that letter -- not
16
   word-for-word, but in general, what does it
17
   state with respect to the new MRI?
18
             With the installation of the
19
   upgrade and new coils, we will likely add
20
21
   one scan per day which brings the volume
22
   back to ten.
23
              Okay.
   Q
```

```
They are discussing loss of
  Α
1
  volume related to an entity in the market
2
  getting their own MRI.
3
       And so then that document is one
4
   that indeed was communicated to
5
  Dr. Woolard, true?
6
        Correct.
7
   Α
          And do you see the note on the
8
   top right-hand corner of that document?
            Yes.
10
   Α
         What does that say?
11
   0
            It says: Received by me
12 | A
   11-12-98, CW, maybe.
13
          Clark Ward, perhaps?
14 | 0
            Yes. I do not know his writing,
15 | A
   but certainly that could be a C. It could
16|
17
  be an A.
        It certainly wouldn't surprise
18
   you if that letter were communicated to
   Dr. Ward by Dr. Woolard?
20
        No, it would not.
21 | A
       In fact, you would expect it to
22 l
   0
  be, would you not?
23
```